

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**MODIFIED  
CHAPTER 13 PLAN**

In Re:  
Miller, Lawrence Franklin  
Miller, Kim Anh

Dated:  
Case No: 07-40794

Debtor (s)

**1. PAYMENTS BY DEBTOR –**

- a. As of the date of this plan, the debtor had paid the trustee \$14,700.00
- b. After the date of this plan, the debtor will pay the trustee \$300.00 per month for 15 months, beginning  
January 2011 for a total of \$4500.00. The minimum plan length is 60 months  
from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee (n/a)
- d. The debtor will pay the trustee a total of \$19,200.00 [line 1(a) + line 1(b) + line 1(c)].

- 2. PAYMENTS BY TRUSTEE –** The trustee will pay from available funds only creditors for which proofs of claim have been filed.  
The trustee may collect a fee of up to 10% of plan payments or \$1920.00, [line 1(d) x .10]

- 3. ADEQUATE PROTECTION PAYMENTS [SEC. 1326(A)(1)(c)] –** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly payment	Number of months	Total payments
Citifinancial	70.00	10	700.00

- 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [Sec. 365]** The debtor assumes the following executory contracts and unexpired leases. Cure provisions, if any, are set forth in paragraph 7 infra.

Creditor	Description of property
A None	

- 5. CLAIMS NOT IN DEFAULT-** Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain their lien, if any.

- a. Principal Bank  
b. US Bank

- 6 HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and 1322(e)]** The Trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's primary residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain their liens. All the following entries are estimates only. The trustee will pay the actual amounts of default/arrearages and all payments received from the Trustee under this Plan shall be applied to arrearages by the claim holder.

Creditor	Amount of Default	Monthly Payment	Beginning in Month#	Number of Payments	TOTAL PAYMENTS
a. None					

- 7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and 1322(e)] –** The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

**All the following entries are estimates, except the interest rate**

Creditor	Amount of Default	Interest rate	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. None	\$ _____	_____	\$ _____	_____	_____	\$ 0.00

- 8. OTHER SECURED CLAIMS; SECURED CLAIM [§ 1325(a)(5)]** – The trustee will pay, on account of the following allowed secured claims,, the amount set forth in the “Total Payments” column below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law, or the date of the debtor’s discharge. In the event any of the below listed secured creditors obtain relief of stay and repossess the collateral, the resulting deficiency claim, if any, shall be re-classified as an unsecured claim and shall be paid under paragraph 11 below. NOTWITHSTANDING A CREDITOR’S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR’S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. Sec. 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR’S ALLOWED SECURED CLAIM.

**Total payments includes amount paid under paragraph 3 as adequate protection**

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Citifinancial	\$9921.54	\$3975.00	270.00	11	14	\$3780.00
				<b>TOTAL</b>		<b>\$4480.00</b>

(claim includes 6% simple interest)

- 9. PRIORITY CLAIMS-** The trustee shall pay in full all claims entitled to priority under § 507, including the following. **The amounts listed are estimated only.** The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 2000.00	\$200.00	1	10	\$2000.00
b. Internal Revenue Sec. (1305(a)(1) claim)	\$2452.00	\$270.00	43	9	\$2450.00
c. Attorney's Fees (post-petition)	\$300.00	\$270.00	45	2	\$ 300.00
			<b>TOTAL</b>		<b>\$4750.00</b>

- 10. SEPARATE CLASS OF UNSECURED CREDITORS** – In addition to the class of unsecured creditors specified in ¶ 11, there shall be a separate class of nonpriority unsecured creditors described as follows: **None**

The trustee will pay the allowed claims of the following creditors. **All entries below are estimates.**

Creditor	Interest Rate	Claim amount	Monthly payment	Beginning in month #	Number payments	Total Payments
a. None						

- 11. TIMELY FILED UNSECURED CREDITORS** – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$8050.00 [line 1(d) minus lines 2, 6(d), 7(d), 8(b), 9(f), and 10(c)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$5946.54
- The debtor estimates that the debtor’s total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$40,402.75
- Total estimated unsecured claims are \$46,349.29[line 11(a) + line 11(b)]

- 12. TARDILY-FILED UNSECURED CREDITORS** – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, , 6, 7, 8, 9, 10 or 11 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

**13. OTHER PROVISIONS** – The Trustee may distribute additional sums not expressly provided for herein at the Trustee’s discretion. This plan is filed in good faith and constitutes the debtors best effort. The effective date of this plan is the date of confirmation. The debtors shall contribute all disposable income into this plan for the length of time set forth in paragraph 1 above. The debtors will submit copies of their state and federal income tax returns to the Trustee annually while this case is pending and will pay any disposable income tax refunds in excess of \$2000.00 per year into this plan pursuant to paragraph 1.c. above. All mortgage payments made directly from the debtors shall be applied to post-petition monthly payments.

The debtors will pay, as and when due, any and all post-petition federal tax liability of any kind. Provided, however, should the debtors fail to pay Debtors’ 2008 federal income tax liability when it is due, and the Internal Revenue Service files a proof of claim pursuant to 11 U.S.C. Section 1305(a)(1) for any unpaid 2008 federal income tax liability owed by the debtors, the debtors may modify the Plan to pay such post-petition tax Liability in full as a priority claim.

**14. SUMMARY OF PAYMENTS –**

Trustee’s Fee (Line 2) .....	\$	1920.00
Home Mortgage Defaults [Line 6(d)] .....	\$	0.00
Claims in Defaults [Line 7(d)].....	\$	0.00
Other Secured Claims [Line 8(d)].....	\$	4480.00
Priority Claims [Line 9(f)] .....	\$	4750.00
Separate Class [Line 10(c)].....	\$	0.00
Unsecured Creditors [Line 11].....	\$	8050.00
<b>TOTAL [must equal Line 1(d)].....</b>	<b>\$</b>	<b>19,200.00</b>

Mark L. Soule ID 172078  
 Attorney at Law  
 816 W. St. Germain #306  
 St. Cloud, MN 56301  
 (320) 251-0999

Signed /e Lawrence F. Miller  
 Debtor

Signed /e/Kim A. Miller  
 Debtor (if joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Miller, Lawrence Franklin  
Miller, Kim Anh

**SIGNATURE DECLARATION**

Debtor(s).

Case No. \_\_\_\_\_

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☒ OTHER (Please describe: Motion for Confirmation of Modified Plan)

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 1-14-11

x Lawrence F. Miller  
Signature of Debtor or Authorized Representative

Lawrence F. Miller  
Printed Name of Debtor or Authorized Representative

x Kim A. Miller  
Signature of Joint Debtor

Kim A. Miller  
Printed Name of Joint Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNSOTA

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In Re:  
Miller, Lawrence Franklin  
Miller, Kim Anh      Debtors

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BKY No.: 07-40794

CERTIFICATE OF SERVICE

Mark L. Soule, hereby certify that on the 18th day of January, 2011, I served by first class mail and electronic transmission the following documents: Modified Chapter 13 Plan (post-confirmation), Notice of Hearing and Motion for confirmation of a Modified Plan, Order, Memorandum, upon all of the parties on the attached Service List.

Dated: 1/18/2011

/e/Mark L. Soule  
Mark L. Soule, Reg. 0172078  
Attorney at Law  
816 West St. Germain #306  
St. Cloud, MN 56301  
(320) 251-0999

## Service List

Jasmine Keller, Trustee  
310 Plymouth Bldg.  
12 South 6th St.  
Minneapolis, MN 55402

Associated Creditors  
PO Box 33130  
Phoenix, AZ 85067

Citifinancial  
PO Box 140069  
Irving, TX 75014

US Trustee  
1015 US Courthouse  
300 South 4th St.  
Minneapolis, MN 55415

Beneficial Finance  
PO Box 4153-K  
Carol Stream, IL 60197

Citifinancial  
12410 Aberdeen St. NE  
Blaine, MN 55449

Internal Revenue Service  
115 4th Avenue SE  
Aberdeen, SD 57401

Beneficial Finance  
PO Box 1547  
Chesapeake, VA 23320

Columbia Park Med Group  
4000 Central Avenue NE  
Columbia Heights, MN 55421

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101

CapitalOne  
15000 Capital One Drive  
Richmond, VA 23238

DASI  
600 Coon Rapids Blvd.  
Coon Rapids, MN 55433

Allina Home Oxygen  
c/o Reliance Recovery  
PO Box 29227  
Minneapolis, MN 55429

Central Credit Svc  
Dept. A  
PO Box 15118  
Jacksonville, FL 32239

Discover Card  
PO Box 30395  
Salt Lake City, UT 84130

Aspire Visa  
PO Box 23007  
Columbus, OH 31902

EPPA  
7301 Ohms Lane #650  
Edina, MN 55439

Metropolitan Cardiology  
4040 Coon Rapids Blvd. #120  
Minneapolis, MN 55433

Pinnacle Financial  
7825 Washington Ave So. #410  
Minneapolis, MN 55439

Sears  
PO Box 6924  
The Lakes, NV 88901

TDM  
PO Box 6700  
Norcross, GA 30091

Principal Bank  
PO Box 857  
Des Moines, IA 50304

Suburban Radiology  
4801 West 81st St. #108  
Minneapolis, MN 55437

Unity Hospital  
Allina  
2925 Chicago Ave So  
Minneapolis, MN 55407

US Bank  
4801 Frederica St.  
Owensboro, KY 50306

Wells Fargo Card Svc  
PO Box 10347  
Des Moines, IA 50306

Wells Fargo Financial  
3201 North Fourth Avenue  
Sioux Falls, SD 57104

Wells Fargo Visa  
PO Box 10347  
Des Moines, IA 50306